L16.15:5a1

WHAT DO I GET FOR MY MONEY?

An Employer's Views on Safety Services of Governmental Agencies

UNIV. OF FL LIB.
DOCUMENTS DEPT.
U.S. DEPOSITORY

U. S. DEPARTMENT OF LABOR
DIVISION OF LABOR STANDARDS
WASHINGTON
1940

INTRODUCTION

Approximately a year ago the Division of Labor Standards published a pamphlet entitled "Factory Inspection Standards and Qualifications for Factory Inspectors." This statement of some of the problems of factory inspection was the result of more than a year's work on the part of the Division's Advisory Committee on Safety and Health, composed of seven outstanding authorities in the field of industrial safety and health.

A logical sequel to the matter of factory-inspection standards is the viewpoint of the industrial executive toward the safety service rendered by State factory-inspection agencies. In other words, what does the employer as a taxpayer get for his money? What does he have a right to expect from State factory-inspection service? What are his duties and obligations in this connection?

At the twenty-eighth National Safety Congress held in Atlantic City during the week of October 16, 1939, a special session was held on governmental safety service in industry. One of the principal speakers in this group was W. H. Winans of the Union Carbide Co., New York City, who set forth the employer's views on safety service of governmental agencies.

This address was so well received by Government labor officials, workers, and employers that the Division of Labor Standards publishes it herewith as a criterion of what State inspection service might well be.

VERNE A. ZIMMER, *Director.*
Division of Labor Standards.

APRIL 2, 1940.

Digitized by the Internet Archive
in 2011 with funding from
University of Florida, George A. Smathers Libraries with support from LYRASIS and the Sloan Foundation

http://www.archive.org/details/whatdoigetformym00unit

What Do I Get for My Money?

An Employer's Views on Safety Services of Governmental Agencies

A Talk Given by W. H. WINANS *at the Governmental Safety Service in Industry Session, 28th National Safety Congress, Atlantic City, N. J., Thursday, October 19, 1939*

To amplify the subject of this address, it might be rephrased in these words: "What accident-prevention service should the employer get from the State in return for his taxes?"

Accordingly I am not referring here to Federal governmental services, such as those furnished by the United States Bureau of Mines, Division of Labor Standards, Public Health Service, and other Federal agencies. Nor am I including the city departments of public hygiene and other municipal agencies. However, I think it is fair to state that the principles set forth apply equally to all governmental agencies.

State laws referring to health and safety in industry have a twofold purpose: (1) To protect the worker from occupational injury and occupational disease—to reduce the economic loss of such disabilities to the worker and his dependents, and (2) to reduce wastage of the human resources of the State in lost working time and impaired working capacity, and to reduce the money cost of accidents which comes out of the total production of the State through such expenses as high insurance costs, loss of production and loss of manpower.

There are two methods necessary to achieve this twofold purpose:

1. The policing process which involves the enforcement of law, codes, and regulations.
2. The research and educational process which involves methods and practices of preventing accidents and occupational disease.

THREE TYPES OF EMPLOYERS

Several types of employers must be dealt with in attacking these problems. There are at least three types readily recognized:

1. Those employers whose slogan is "profit at any price" and who evade the law until they get caught.

2. Those who obey the law but do no more.

3. Those who strive to prevent accidents, law or no law. These employers realize it is good business and morally right to prevent accidents and occupational disease.

The State department charged with the responsibility of accident and disease prevention in industry must keep both of the above stated methods in mind and all of these three types of employers in mind.

The question immediately arises: "Can the two methods of policing and education be carried on by one State department, by one inspector in his district, or must these methods be followed by separate agencies of Government?" There is, as you know, a difference of opinion on this question. The practice of combining the two functions of policing and education in one department and the practice of separating these functions are both followed in different States. It is not my intention to argue for either procedure.

THE REAL JOB OF ACCIDENT PREVENTION

Recently I came across an excellent statement of the real job of the State in accident prevention, and I take the liberty of presenting this statement from the Safety Manual issued by Alabama in 1939:

Since the full cost of and damage done by all injuries to workers must finally be borne by all the people it is only proper for the State of Alabama acting through the department of industrial relations to take an active part in the effort to prevent such injuries. The board of appeals has been given the duty of adopting rules defining exactly what is meant by "reasonably safe" and the director of industrial relations is required to enforce them through inspection. In fact, his duty goes much farther than this for it is obvious that the larger purpose of this legislation is to prevent injuries to the workers of this State. That is the fundamental reason for the passage of the act. Actually, therefore, the director is required to do everything in his power to keep the working people of Alabama from suffering injury while at their work earning a living. As an agent of the State, he must go much beyond mere law enforcement. He must not only do everything in his power to show the employers and their employees how to eliminate work injuries but he must also encourage and stimulate them to do so by any and every means at his command, including the making of specific suggestions as to practical means of correcting unsafe conditions and practices. He needs and

solicits the full and earnest support of every employer, every employee, and, in fact, every citizen of the State in his efforts to fulfill his duty adequately.

The fact that almost all occupational injuries can be prevented and the further fact that everyone—employer, employee, and the State alike—suffers serious loss from the failure to prevent them, is sufficient reason why every employer or other person should obey reasonable rules drafted in the interest of safety. Should any refuse to do so it is the clear duty of the director and his agents to compel compliance under the law.

WHAT MAY EMPLOYERS EXPECT?

What has the employer, large or small, with a good or bad safety record, a right to expect and even demand from the State agency or agencies responsible for accident and disease prevention? I will attempt to outline some specific items, as follows:

1. The employer has a right to expect definite regulations or codes for the application of the basic law of the State. These must be understandable, reasonable, and practicable. They should be drawn up in cooperation with experienced industrial safety men, experienced workmen, experienced industrial physicians, experienced engineers, practical industrial lawyers, and experienced public administrators. You may add more to this list, but you must not omit one of those mentioned if you want to have the best results.

2. The employer has the right to expect nonpolitical cooperation on the part of the Government officials with employers, with labor, and others in advising the State legislature on changes in the law which have been proposed or may be needed, and in securing from the legislature proper appropriations for the administration of the law.

3. The employer has the right to expect recognition from the governor right through the entire executive branch of the State government to the factory inspector himself, that safety and health in industry is not a political issue and those charged with this vital State function must stay out of politics and must not be molested for political purposes in the administration of their responsibilities.

4. The employer has the right to expect intelligent, trustworthy, informed, practical, and enthusiastic leadership and administration on the part of the executive head of the State agency responsible for this work.

5. The employer has the right to expect that the appointment and retention of competent staff members in the State agency shall be on a nonpolitical basis.

6. The employer has the right to expect fair, uniform, honest, and reasonable enforcement of the law and the regulations.

7. The employer has the right to expect cooperation from the State agency in applying the most effective known methods of accident and disease prevention and in developing better methods for safeguarding old hazards and devising new methods to meet new hazards. Well tried and effective

practices and organization structure along these lines are evident in the work of the division of safety and hygiene of Ohio. The work of this division includes plant surveys without expense to the employer, leadership in arranging safety conferences, safety contests, educational meetings, etc.

8. The employer has the right to expect sincere and dominating interest of the executive head of the State agency because of his consciousness of the damage to the lives and happiness of human beings caused by occupational accidents and disease.

9. And last—the employer should feel dead sure that, if he or any other employer in the State violates the law and the regulations, sooner or later he will get caught. In other words, enforcement should be positive, aggressive and universal.

WHAT SHOULD THE INSPECTOR DO?

How can all this be done? There is only one way that I know of and that is by persistent hard work, intelligent cooperation of all concerned, and the application of accumulated experience. Now, specifically, what should the inspector, the safety engineer, or the industrial hygienist do to carry out his full responsibility? Here are some illustrations:

1. He must first know the law he is trying to enforce, the codes and the regulations issued thereunder, and must be able to explain their application and the effective known means of compliance.

2. He must know the mechanical, educational, and organizational methods that are in approved use.

3. He must know the current accident and disease experience of the industry which is being inspected and must be able to recognize potential and actual accident and disease hazards.

4. He must have enough practical industrial background to understand practical operating problems, so as to issue compliance orders when necessary that are reasonable and enforceable, both as to cost and effectiveness. For example, he should not make the mistake that a State inspector recently made in a plant with which I am personally familiar. This inspector was anxious to be helpful and, in inspecting a punch press which was equipped with a home-made guard, advised the plant engineer that he had seen a punch-press guard in another plant the previous day, which he felt would be much better and that this guard could be purchased at reasonable cost and could be installed promptly. While he did not issue an order, he did recommend the change to the other guard. The engineer followed the inspector's advice and installed the new guard, and the first day it was in use the operator lost two fingers.

The moral: Let us not permit our enthusiasm for new devices to lead us into new hazards.

5. He must be able and anxious to supply upon request suggestions, data, and other helpful information regarding accident and disease prevention

devices and practices, but such information when furnished should be based on practical knowledge of its effectiveness.

6. He must be courteous and respectful in order to merit the respect of employers and workers. Disregarding this item may interfere completely with results he might otherwise secure.

7. He must be human enough to understand others. He must observe the safety rules of the plant he is in, such as smoking in certain departments, the wearing of goggles, etc. He should commend workers on observed good housekeeping, safe tools, proper clothing, use of safeguards, etc., in order that they may realize the importance attached to such practices by the Government inspector. He should also be willing to take time to help the plant safety man work out a tough problem which might be presented to him.

8. He must be firm and aggressive when and where such action is necessary—no sliding over the bad spots during an inspection or chatting with the boss in the office without going out through the plant. He must be able and ready to go right to the top plant executive, if necessary, to get proper attention to accident and disease prevention.

9. He should be able to assist employers in conducting safety meetings, safety contests, educational campaigns, etc.

10. He should be able to assist the employer in securing observance by employees of necessary and reasonable safety rules and safe practices.

WHAT SAFETY MEN SAY

In shaping up my discussion, I wrote some of our safety men at several of our plants who have been on the job for many years. Here is what one of them had to say in regard to his relationships with the State safety inspector who visits his plant:

1. As a person outside the regular industrial organization, the State safety inspector can bring a fresh, unbiased viewpoint to the industry and perhaps bring to light some genuine needs for improvement.

2. By his experience in other factories, he can often point out some means of guarding that has been developed by other concerns and which may solve a problem in the factory in which he is making his inspection. Of course, this applies only where no secrets of operation or process are concerned.

3. In New York State, the factory inspectors have access to accident reports, and with this information they can point out hazards that have caused such accidents.

4. Mr. B, the State factory inspector for this district, has been making inspections here for some 20 years or more. Our consultations with him have been of considerable value. Usually after an inspection of the plant we just sit down and talk things over. In this way we learn about some of the new stunts that he has seen; these may be of an educational nature, guarding of machinery, sanitation, fire prevention, or dust control.

5. Of necessity, the State factory inspector is conversant with State requirements. All new codes or rules are discussed with him and quite often he can give an interpretation of just where these will apply.

6. The psychological effect of a State officer being in the plant often has a good effect on the workers. To this end Mr. B. always interests himself in hand tools and such equipment. He makes sure that the man knows that he is looking at them and when he finds them in good order he compliments the man on the way he keeps them. One can readily see that the effect of this is good.

Another safety man commented very favorably on the service of the State factory inspection department, but stated that a State safety inspector had not been in his plant for so many years that he had lost all track of how long it had been since the last visit. This plant of 1,500 employees had been fortunate in establishing a fine safety record. This raises the question, "Is it good administration for the State agency to concentrate its efforts upon the plants with the worst accident experience and pass up almost entirely the plants having good safety records?" Is it not possible that the safety inspectors could gain some definite information by visiting some of these plants with good safety records which they could use in other plants which have not obtained such good results?

WHAT MAY THE STATE EXPECT?

Having served as a Government official myself, I have viewed these problems from both sides. We all agree that in the United States compliance with law is not accomplished by military order or by radio announcement. It is our practice in this country to depend primarily on compliance rather than enforcement. Furthermore, in respect to such laws as those which relate to industrial accident and disease prevention, we expect two-way communication between the State agency and the employers.

Accordingly, I am going to discuss briefly the following question: What has the competent executive in charge of the State agency responsible for industrial accident and disease prevention the right to expect from the employer, from labor, and from the public generally? I list the following:

1. He has the right to expect wholehearted cooperation in the proper administration of the law and the regulations thereunder, in a sincere attempt to achieve fundamental objectives of accident and disease prevention.

2. He has the right to expect support in honest, fair, and uniform enforcement on all parties concerned.

3. He has the right to expect support in securing adequate appropriations for proper administration of the law.

4. He has the right to expect insistence on the part of employers, labor and the public, that appointments and retention in office in this field of Government work be strictly on a merit basis and that appointees be neither "procompany" nor "proworker" and that politics be left out of the matter entirely.

5. He has the right to expect cooperation in drafting needed legislation and regulations which are economically and mechanically feasible.

6. He has the right to expect cooperation in preparing and conducting training courses for factory inspectors and otherwise upgrading the quality of service of the agency and the staff personnel.

7. He has the right to expect cooperation in devising and developing new safeguards and safe practices, in conducting safety conferences, contests, etc.

8. He has the right to expect courtesy and respect in return for both.

9. He has the right to expect honest records by employers and honest reporting of accidents and disease, in return for fair treatment and honest administration of the law.

In conclusion, I point out what seems to me one of the inescapable responsibilities of the State—that the Government itself must set an example of safe practices and safeguarding on all projects of the State, such as construction of buildings and other public works, highway and bridge construction, operation of State institutions, etc. Certainly, Dad had better not spank Junior for fighting if Dad comes home with a black eye himself. We all know the Government has received many black eyes through inadequate attention to this problem in its own direct activities.

However, I am very glad to state of my own knowledge that both the State and Federal Governments are making a sincere, and I believe successful, effort to improve their own safety records, and it is up to all of us to assist in every way possible toward still further progress.

Recently I ran across this quotation "To give real service, you must add something which cannot be bought or measured with money, and that is sincerity and integrity."

U. S. GOVERNMENT PRINTING OFFICE: 1940

UNIVERSITY OF FLORIDA
3 1262 08859 8833